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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,873	12/21/2001	Takashi Yagita	35.C16076	4668

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

POKRZYWA, JOSEPH R

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,873

Applicant(s)

YAGITA, TAKASHI

Examiner

Joseph R. Pokrzywa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-14,16-20,23-29,31,35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-14,16-20,23-29,31,35 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 11/14/05, and has been entered and made of record. Currently, **claims 1-5, 8-14, 16-20, 23-29, 31, 35, and 36** are pending.

Claim Rejections - 35 USC § 101

2. The rejection of **claims 33 and 34**, as cited in the Office action dated 8/9/05 under 35 U.S.C. 101 is withdrawn, as the current amendment cancels the claims, therein overcoming the rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-5, 8, 10-14, 16-20, 23, 25-29, 31, 35, and 36** are rejected under 35 U.S.C. 102(e) as being anticipated by Lodwick (U.S. Patent Number 6,978,299).

Regarding **claim 1**, Lodwick discloses an information processing apparatus (spooling server 50, see Figs. 1, 2, 4, 5, and 9) comprising a holding unit adapted to hold print data (spooling queue 52, column 3, line 53-column 4, line 20, and column 7, lines 44-54), an issuing

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unit adapted to issue reference information corresponding to the print data held by the holding unit, to a plurality of printing apparatuses (column 4, lines 7-54, and column 8, line 55-column 9, line 5), and a transmission control unit adapted to control to transmit the print data to a printing apparatus, from among the plurality of printing apparatuses, which first requested to acquire the print data based on the reference information, and not to transmit the print data to another printing apparatus, from among the plurality of printing apparatuses, which requested to acquire the print data after the print data was transmitted (column 4, lines 21-43, and column 9, line 6-column 10, line 34).

Regarding *claim 2*, Lodwick discloses the apparatus discussed above in claim 1, and further teaches that the issuing unit is a Web server function processing means (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13).

Regarding *claim 3*, Lodwick discloses the apparatus discussed above in claim 1, and further teaches that the print data is transmitted via the predetermined communication medium (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13), the apparatus further comprising a receiving unit adapted to receive print data that is transmitted via a predetermined communication medium (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13), wherein the holding unit holds print data received by the receiving unit and the issuing unit issues reference information for performing pull print corresponding to the print data held in the holding unit (column 5, line 48-column 7, line 54).

Regarding *claim 4*, Lodwick discloses the apparatus discussed above in claim 1, and further teaches of a notifying unit adapted to notify a second information processing apparatus,

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which is made communicatable via a predetermined communication medium, of the reference information (column 4, lines 7-54, and column 8, line 55-column 9, line 5).

Regarding *claim 5*, Lodwick discloses the apparatus discussed above in claim 1, and further teaches of a recognizing unit adapted to recognize whether or not the printing apparatus that is made communicatable via the predetermined communication medium corresponds to pull print (column 5, line 48-column 7, line 54), and a determining unit adapted to determine whether a print request for push print or a print request for pull print is issued to the printing apparatus according to recognition of the recognizing unit (column 5, line 48-column 7, line 54, and column 8, line 55-column 9, line 5).

Regarding *claim 8*, Lodwick discloses the apparatus discussed above in claim 2, and further teaches that the predetermined protocol is an Internet printing protocol (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13).

Regarding *claim 10*, Lodwick discloses the apparatus discussed above in claim 1, and further teaches that the reference information for performing pull print is information for specifying a storing place of print data stored in a storage unit and includes at least a URL (column 10, lines 41-63, whereby the assigned dynamic IP address would inherently be a URL).

Regarding *claim 11*, Lodwick discloses the apparatus discussed above in claim 1, and further teaches of deleting unit adapted to delete the print data held in the holding means according to a response from the print apparatus to which the print data is transferred (column 4, lines 21-43, and column 9, line 6-column 10, line 34).

Regarding *claim 12*, Lodwick discloses the apparatus discussed above in claim 11, and further teaches that the deleting unit recognizes information for instruction whether or not the

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print data held in the holding unit is to be deleted and controls to switch whether or not the print data is to be deleted according to the recognition (column 4, lines 21-43, and column 9, line 6-column 10, line 34).

Regarding *claim 13*, Lodwick discloses the apparatus discussed above in claim 2, and further teaches that the Web server function processing unit manages the print data held in the holding unit and starts server function processing for performing Web server function processing in compliance with a predetermined protocol when a print request is issued from an application to a printing system (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13).

Regarding *claim 14*, Lodwick discloses the apparatus discussed above in claim 13, and further teaches that the printing system includes a printer driver and a print spooler (column 6, lines 10-column 7, line 54).

Regarding *claim 16*, Lodwick discloses an information processing method (using the spooling server 50, see Figs. 1, 2, 4, 5, and 9) comprising a step of holding print data (spooling queue 52, column 3, line 53-column 4, line 20, and column 7, lines 44-54), a step of issuing reference information corresponding to the print data held in the holding step, to a plurality of printing apparatuses (column 4, lines 7-54, and column 8, line 55-column 9, line 5), and a step of controlling to transmit the print data to a printing apparatus, from among the plurality of printing apparatuses, which first requested to acquire the print data based on the reference information, and not to transmit the print data to another printing apparatus, from among the plurality of printing apparatuses, which requested to acquire the print data after the print data was transmitted (column 4, lines 21-43, and column 9, line 6-column 10, line 34).

Regarding **claim 17**, Lodwick discloses the method discussed above in claim 16, and further teaches that the issuing step is a Web server function processing step in compliance with a predetermined protocol (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13).

Regarding **claim 18**, Lodwick discloses the method discussed above in claim 16, and further teaches that the print data is transmitted via the predetermined communication medium (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13), the method further comprising a step of receiving print data that is transmitted via a predetermined communication medium (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13), wherein the holding step holds print data received in the receiving step and the issuing step issues reference information for performing pull print corresponding to the print data held in the holding step (column 5, line 48-column 7, line 54).

Regarding **claim 19**, Lodwick discloses the method discussed above in claim 16, and further teaches of a step of notifying a second information processing apparatus, which is made communicatable via a predetermined communication medium, of the reference information (column 4, lines 7-54, and column 8, line 55-column 9, line 5).

Regarding **claim 20**, Lodwick discloses the method discussed above in claim 16, and further teaches of a step of recognizing whether or not the printing apparatus that is made communicatable via the predetermined communication medium corresponds to pull print (column 5, line 48-column 7, line 54), and a step of determining whether a print request for push print or a print request for pull print is issued to the printing apparatus according to recognition

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of the recognizing step (column 5, line 48-column 7, line 54, and column 8, line 55-column 9, line 5).

Regarding *claim 23*, Lodwick discloses the method discussed above in claim 17, and further teaches that the predetermined protocol is an Internet printing protocol (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13).

Regarding *claim 25*, Lodwick discloses the method discussed above in claim 16, and further teaches that the reference information for performing pull print is information for specifying a storing place of print data stored in a storage unit and includes at least a URL (column 10, lines 41-63, whereby the assigned dynamic IP address would inherently be a URL).

Regarding *claim 26*, Lodwick discloses the method discussed above in claim 16, and further teaches of a step of deleting the print data held in the holding step according to a response from the print apparatus to which the print data is transferred (column 4, lines 21-43, and column 9, line 6-column 10, line 34).

Regarding *claim 27*, Lodwick discloses the method discussed above in claim 26, and further teaches that the deleting step recognizes information for instruction whether or not the print data held in the holding step is to be deleted and controls to switch whether or not the print data is to be deleted according to the recognition (column 4, lines 21-43, and column 9, line 6-column 10, line 34).

Regarding *claim 28*, Lodwick discloses the method discussed above in claim 17, and further teaches that the Web server function processing step manages the print data held in the holding step and starts server function processing for performing Web server function processing in compliance with a predetermined protocol when a print request is issued from an application

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to a printing system (column 6, line 59-column 7, line 19, and column 10, line 41-column 11, line 13).

Regarding *claim 29*, Lodwick discloses the method discussed above in claim 28, and further teaches that the printing system includes a printer driver and a print spooler (column 6, lines 10-column 7, line 54).

Regarding *claim 31*, Lodwick discloses a computer readable storage medium storing a program (using the spooling server 50, see Figs. 1, 2, 4, 5, and 9, and column 6, line 10-column 7, line 54) for executing a step of holding print data (spooling queue 52, column 3, line 53-column 4, line 20, and column 7, lines 44-54), a step of issuing reference information corresponding to the print data held in the holding step, to a plurality of printing apparatuses (column 4, lines 7-54, and column 8, line 55-column 9, line 5), and a step of controlling to transmit the print data to a printing apparatus, from among the plurality of printing apparatuses, which first requested to acquire the print data based on the reference information, and not to transmit the print data to another printing apparatus, from among the plurality of printing apparatuses, which requested to acquire the print data after the print data was transmitted (column 4, lines 21-43, and column 9, line 6-column 10, line 34).

Regarding *claim 35*, Lodwick discloses the apparatus discussed above in claim 1, and further teaches that the transmission control unit controls to transmit an error to the other printing apparatus, from among the plurality of printing apparatuses, which requested to acquire the print data after the print data was transmitted (column 10, line 6-column 11, line 65).

Regarding *claim 36*, Lodwick discloses the method discussed above in claim 16, and further teaches that the transmission control step is adapted to control to transmit an error to the

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other printing apparatus, from among the plurality of printing apparatuses, which requested to acquire the print data after the print data was transmitted (column 10, line 6-column 11, line 65).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 9 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lodwick (U.S. Patent Number 6,978,299) in view of Smith *et al.* (U.S. Patent Number 6,192,407, cited in the Office action dated 8/9/05).

Regarding **claims 9 and 24**, Lodwick discloses the apparatus and method discussed above in claims 2 and 17, respectively, and further teaches that a print request in compliance with the predetermined protocol is a Pull request for obtaining the print data (column 5, line 48-column 7, line 54, and column 8, line 55-column 9, line 5). However, Lodwick fails to expressly disclose if the Pull request includes at least a GET method of an HTTP protocol or a get subcommand of an FTP protocol.

Smith discloses an information processing apparatus (server 12 and 315, see Figs. 1-5, and 20) comprising holding means (store 42) for holding print data (column 4, line 16-column 5, line 50, and column 15, lines 28-42), an issuing unit adapted to issue reference information corresponding to the print data held by the holding unit to a plurality of apparatuses (column 8, line 50-column 9, line 67, and column 15, lines 37-67), and a transmission control unit adapted

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to control to transmit the print data to a apparatus which requested to acquire the print data (column 8, line 50-column 9, line 67, and column 15, line 28-column 17, line 29). Further, Smith teaches that a print request in compliance with the predetermined protocol is a Pull request for obtaining the print data and the Pull request includes at least a GET method of an HTTP protocol (column 14, line 42-column 17, line 46) or a get subcommand of an FTP protocol.

Lodwick & Smith are combinable because they are from the same field of endeavor, being network printing systems that utilize "pull" printing technology. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the GET method of an HTTP protocol within the system of Lodwick. The suggestion/motivation for doing so would have been that Lodwick's system would conform with well known standards of communicating using HTTP protocol, as recognized by Smith in column 14, line 42-column 15, line 15. Therefore, it would have been obvious to combine the teachings of Smith with the system of Lodwick to obtain the invention as specified in claims 9 and 24.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jrj

Joseph R. Pokrzywa
Primary Examiner
Art Unit 2622

